

Judge: Hilton

**SENTENCING**

Date: 9/8/2023

Reporter: R. Stonestreet

Time: 10:20 to 11:00

Cr. # 1:23CR00091-001

AUSA: Kathleen Robeson, Russell Carlberg

U.S. v. Bennie Earl Magee

Defense: Stuart Sears

Deft's objections to PSIR heard. Counsel indicated there is no objection to the defendant receiving credit for acceptance of responsibility. Defendant's objections regarding the obstruction enhancement, and role enhancement argued. The Court finds that there is ample evidence to support the enhancements for obstruction and role in the offense.

The Court finds the guidelines to be properly assessed at a range of 121 to 151 months.

Considering the factors under § 3553, and considering the nature and circumstances of the offense, the defendant's role in offense, his age, and prior record, the Court finds that a sentence somewhat below the guideline range is appropriate.

**Sentence Imposed:**

60 Months imprisonment

3 Years supervised release

**Conditions of Supervised Release:**

Standard conditions and special conditions of supervised release set forth in the PSIR imposed.

**Monetary penalties:**

\$100.00 Assessment \$ 0 Fine

\$7,619,379.00 Restitution Ordered pursuant to the Restitution Order entered and filed in open court.

Consent Order of Forfeiture entered and filed in open court.

**Recommendations to BOP:**

The Court recommends that the defendant be designated to the camp in Cumberland, Maryland.

Defendant: \_\_\_\_\_ Remanded ☒ To voluntarily surrender after 11/1/2023.

Deft advised of his right to appeal.